



0000153317

BEFORE THE ARIZONA CORPORATION COM

RECEIVED

COMMISSIONERS

BOB STUMP – Chairman
 GARY PIERCE
 BERNDA BURNS
 BOB BURNS
 SUSAN BITTER SMITH

2014 MAY -9 P 4:33

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAY 09 2014

DOCKETED BY

ORIGINAL

In the matter of:

KENT MAERKI and NORMA JEAN COFFIN aka)
 NORMA JEAN MAERKI, aka NORMA JEAN)
 MAULE, husband and wife,)
)
 DENTAL SUPPORT PLUS FRANCHISE, LLC, an)
 Arizona limited liability company,)
)
 Respondents.)

Docket No. S-20897A-13-0391

**RESPONDENT'S MOTION FOR
 CONTINUANCE**

NOW COMES the Respondent Kent Maerki, to file this Respondent's Motion for Continuance
 and would show the Court the following, to wit:


Hearings are to commence on June 2-5, 9-12, and 16-19 at the Commission's offices, 1200 West
 Washington Street, Hearing Room No. 1, Phoenix, Arizona 85007-2996. Respondent has scheduling
 conflicts with these dates due to two other court cases (schedule and exhibits attached) and an unmovable
 business trip, particularly the dates June 2, 4, and 12. Respondent has no issue with the dates June 16-19,
 and as an alternative, would like to suggest the dates June 23-26, 2014 as the rescheduled hearing dates.

Attached are the Court minutes in Case No. CV2010-032209 that refer to the June 12 date. Also
 attached is the "War Room" receipt for Respondent's business trip to begin on June 2nd. Also attached is
 the Notice of Hearing on Motion to Dismiss or Convert regarding the June 4th date.

Respondent does not seek to delay this proceeding for any purpose other than to be present at all other legal and business obligations previously scheduled. Respondent is not attempting to postpone this matter any further than June 16-19 and June 23-26.


RESPONDENT PRAYS this court grant a continuance to allow his presence at all legal proceedings he is required to attend, as well as a very expensive and unmovable business trip. Thank you for your consideration in this matter.

Respectfully submitted this 9th day of May, 2014.


Kent A. Maerki, Pro se

7119 E. Shea Blvd #109-479
Scottsdale, Arizona 85254
Phone: (602) 216-9875


DENTAL SUPPORT PLUS FANCHISE, LLC, Pro se


by
Kent A. Maerki, Pro se

7119 E. Shea Blvd #109-479
Scottsdale, Arizona 85254
Phone: (602) 216-9875

VERIFICATION

IT IS HEREBY Certified that the facts in the foregoing pleadings are true and correct under penalties of perjury to the best of my knowledge and belief.


7119 E. Shea Blvd #109-479
Scottsdale, Arizona 85254
Phone: (602) 216-9875

Kent A. Maerki, Pro se

CERTIFICATE OF SERVICE

IT IS HEREBY Certified, that a copy of the foregoing Respondent's Motion for Continuance was emailed to those listed on the 9th day of May, 2014.



Kent A. Maerki, Pro se

7119 E. Shea Blvd #109-479
Scottsdale, Arizona 85254
Phone: (602) 216-9875

Matt Neubert, Director
Securities Division
Arizona Corporation Commission
1300 West Washington Street
Phoenix, Arizona 85007

Exhibits

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-032209

05/02/2014

HONORABLE ARTHUR T. ANDERSON

CLERK OF THE COURT
L. Nelson
Deputy

SMARTCOMM LICENSE SERVICES L L C

THOMAS E LORDAN

v.

KENT MAERKI, et al.

KENT MAERKI
7119 E SHEA BLVD
#109-479
SCOTTSDALE AZ 85254

LANCE R BROBERG
DAVID G CISIEWSKI
TINA ELLIS
21300 BYERLY TURK DR
PFLUGERVILLE TX 78660-7697
DAMIEN R MEYER
SCOTT W RODGERS
EDWARD O BURKE

MINUTE ENTRY

Courtroom ECB-511

8:59 a.m. This is the time set for Order to Show Cause Hearing regarding Plaintiffs' Application for the Issuance and Order to Show Cause Why Defendant Kent Maerki Should Not be Held in Contempt and Sanctioned. Plaintiff, Smartcomm License Services, LLC, is represented by counsel, Thomas E. Lordan and M. Rob Somers. Defendant, Kent Maerki, is present on his own behalf. Defendants, David Alcorn, Elizabeth Alcorn and David Alcorn Professional Corporation, are represented by counsel, Lance R. Broberg. Defendants, Jon Palmieri and Carla Clancy, are telephonically represented by counsel, Brandon A. Hale for Scott W. Rodgers.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-032209

05/02/2014

Court Reporter, Mike Benitez, is present and a record of the proceedings is made by audio and/or videotape.

LET THE RECORD REFLECT the Court has received Special Master, Edward Burke's Special Master Report No. 12, Plaintiffs' Response to Special Master Report No. 12 and Emergency Motion to Disclose E-mails and Defendant, Kent Maerki's Response to Special Master Report No. 12 and Motion to Disclose E-mails.

Argument is heard.

The Court having reviewed the aforementioned pleadings and having heard argument on the matter, issues the following ruling,

IT IS ORDERED the Court finds that Defendant, Kent Maerki has waived privilege and therefore, the referenced e-mails shall be disclosed to Plaintiffs' counsel.

IT IS FURTHER ORDERED the e-mails in question are marked as Court's Exhibit 1 to this proceeding and received in evidence.

IT IS FURTHER ORDERED sealing the Court's Exhibit 1 not to be opened until further order of the Court.

Plaintiffs' Exhibit 2 is marked for identification.

Argument is heard regarding Plaintiffs' Application for the Issuance and Order to Show Cause Why Defendant Kent Maerki Should Not be Held in Contempt and Sanctioned.

Plaintiffs' Exhibit 2 is received in evidence.

Argument continues.

Plaintiffs' Exhibits 3 and 4 are marked for identification.

Further argument is heard.

Plaintiffs' Exhibits 3 and 4 are received in evidence.

Defendant, Kent Maerki, is sworn and testifies on his own behalf.

Argument continues.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-032209

05/02/2014

IT IS THEREFORE ORDERED taking Plaintiffs' Application for the Issuance and Order to Show Cause Why Defendant Kent Maerki Should Not be Held in Contempt and Sanctioned under advisement.

Discussion is held regarding the pending bankruptcy of Defendant, Janus Spectrum, LLC, the current scheduling deadlines and hearing dates. Plaintiffs' counsel requests a continuance of the deadlines.

IT IS FURTHER ORDERED vacating the deadlines as referenced in the Court's Trial Setting Minute Entry dated October 30, 2014, with the exception that the deadline for disclosure of the identities, opinions and reports of Plaintiffs' expert witnesses regarding damages is postponed at this time.

IT IS FURTHER ORDERED affirming the Final Trial Management Conference set on **October 24, 2014 at 9:00 a.m.**, and the 12-day Jury Trial scheduled to begin on **November 3, 2014, at 9:30 a.m.**, in this Division.

IT IS FURTHER ORDERED setting a Status Conference in this matter on **June 12, 2014 at 9:45 a.m. (30 min.)** in this division.

HON. ARTHUR T. ANDERSON
Maricopa County Superior Court
East Court Building
101 West Jefferson Street
5th Floor, Courtroom 511
Phoenix, AZ 85003
602-506-0341

The parties may appear telephonically. Counsel will need to confer as the Court cannot accept multiple calls. If all parties wish to appear telephonically, Plaintiff's counsel shall initiate the conference call. The Court's phone number is (602) 506-0341. Transmissions over cellular telephones and speaker phones are not clearly received by the Court's phone system and, therefore, are not allowed.

Plaintiff's counsel shall notify this Division whether the parties will be appearing telephonically the day prior to the hearing.

10:38 a.m. Hearing concludes.



ATTORNEYS AT LAW

The Wilenchik & Bartness Building
2810 North Third Street Phoenix, Arizona 85004

Telephone: 602-606-2810 Facsimile: 602-606-2811

Dennis I. Wilenchik, Esq. #005350
Thomas E. Lordan, Esq. #007705
admin@wb-law.com

M. Rob Somers, # 017501

Smartcomm

3131 E Camelback Rd #450

Phoenix, AZ 85016

(602) 224-1080

rob.somers@smartcommllc.com

Attorneys for Creditors and Parties-in-Interest

Smartcomm License Services, L.L.C. and

Smartcomm, L.L.C.

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

In re:

Janus Spectrum, LLC,

Debtor-in-Possession

Chapter 11 Proceeding

Case No.: 2:14-bk-02682-GBN

(Contested Matter)

**NOTICE OF HEARING ON MOTION
TO DISMISS OR CONVERT**

Hearing Date: June 4, 2014

Hearing Time: 9:45 a.m.

PLEASE TAKE NOTICE, that Smartcomm License Services, L.L.C., and Smartcomm, L.L.C. (collectively "Smartcomm"), filed a Motion to Dismiss or Convert (Docket Entry # 30) on April 7, 2014 (the "Motion"). A copy of the Motion is on file and available for review with the Clerk, U.S. Bankruptcy Court.

NOTICE IS HEREBY GIVEN, pursuant to Rule 9013, L.R.Bankr.P.:

////

1 A hearing on the Motion shall be held before the Hon. George B. Nielsen at the United States
2 Bankruptcy Court for the District of Arizona, 230 North First Avenue, 6th Floor, Courtroom No. 602,
3 Phoenix, Arizona 85003, on the **June 4, 2014 at 9:45 a.m.**

4 Any objections to the Motion to Dismiss or Convert must be received and sent to Smartcomm's
5 Counsel, listed below, by no later than May 22, 2014:

6 Dennis I. Wilenchik, Esq.
7 Thomas E. Lordan, Esq.
8 The Wilenchik & Bartness Building
9 2810 North Third Street
10 Phoenix, Arizona 85004
11 admin@wb-law.com

12 M. Rob Somers, Esq.
13 Smartcomm, LLC
14 3131 E. Camelback Rd #450
15 Phoenix, AZ 85016
16 rob.somers@smartcommllc.com

17 **RESPECTFULLY SUBMITTED** May 5, 2014.

18 **WILENCHIK & BARTNESS, P.C.**

19 /s/ DIW #005350

20 Dennis I. Wilenchik, Esq.
21 Thomas E. Lordan, Esq.
22 The Wilenchik & Bartness Building
23 2810 North Third Street
24 Phoenix, Arizona 85004
25 admin@wb-law.com

26 M. Rob Somers, Esq.
27 Smartcomm, LLC
28 3131 E. Camelback Rd #450
Phoenix, AZ 85016
rob.somers@smartcommllc.com

*Attorneys for Creditors and Parties-in-Interest Smartcomm
License Services, L.L.C. and Smartcomm, L.L.C.*

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing "NOTICE OF HEARING ON MOTION TO DISMISS OR CONVERT TO CHAPTER 7" was served via the Court's CM/ECF notification system and sent, via U.S. Mail as indicated below on May 5, 2014.

Thomas E. Littler, Esq.
341 W Secretariat Dr.
Tempe, AZ 85284
Email: telittler@gmail.com
Attorney for the Debtor-in-Possession

U.S. TRUSTEE
OFFICE OF THE UNITED STATES TRUSTEE
230 N. First Ave., #204
Phoenix, AZ 85003

Patty Chan, Esq.
U.S. TRUSTEE
OFFICE OF THE UNITED STATES
TRUSTEE
230 N. First Ave., #204
Phoenix, AZ 85003
602-682-2633
Email: patty.chan@usdoj.gov

David Alcorn Professional Group
7047 East Greenway Parkway, Suite 250
Scottsdale, AZ 85254

Janus Spectrum LLC
7047 East Greenway Parkway, Suite 250
Scottsdale, AZ 85254-8113

Friedman, Jere
Law Office of Jere M. Friedman
7074 E Greenway Parkway
Scottsdale, AZ, 85254

Kent Maerki
8149 North 87th Place
Scottsdale, AZ 85258

NJM Spectrum, LLC
8149 N 87th Place
Scottsdale, AZ 85258

Lincoln Spectrum
3000 Joe DiMaggio Blvd Suite 68
Round Rock, TX 78665

Shelton & Power LLP
771 Oak Ave Parkway #3
Folsom, Ca. 95630

Regus Office Management
P.O. Box 842456
Dallas, TX 75284

Lance Broberg, Esq.
Tiffany & Bosco PA
2525 E. Camelback Rd #300
Phoenix, AZ 85016-9240
lrb@tblaw.com

Tusla Consulting Engineers
75757 Highway 1082
Covington, LA 70435-6782

U.S. SECURITIES & EXCHANGE
COMMISSION
Attn: Sarah D. Moyed, Esq.
5670 Wilshire Boulevard, Suite 1100 Floor
Los Angeles, California 90036-3648
moyeds@sec.gov

U.S. SECURITIES & EXCHANGE
COMMISSION
5670 Wilshire Boulevard, Suite 1100 Floor
Los Angeles, California 90036-3648

AZ Department of Revenue
Bankruptcy & Litigation
1600 West Monroe, 7th Fl.
Phoenix, AZ 85007-2650

/s/ Christine Ferreira



Digital Marketer (mms)
4330 Gaines Ranch Loop, Ste 120
Austin, Texas 78735
United States
(512) 961-1077

Invoice

Date	Invoice #	Due Date
May 6, 2014	5580	11/21/2013

TO:
Kent Maerki
10632 N Scottsdale Rd #B-4701
Scottsdale, AZ 85254
United States

SHIP TO:
Kent Maerki
P.O. Box 4219
Kent Maerki, Hawaii 85254 96745
United States

Qty	Description	Unit Price	Total
1	WarRoom General Membership - \$10,000.00 - WarRoom general membership	\$10,000.00	\$10,000.00
Total Purchases			\$10,000.00

Payments Made

11/12/2013	Credit Card - PAID	\$10,000.00
Total Payments & Adjustments		\$10,000.00

Payments Due

11/21/2013	Current	\$0.00
Outstanding Balance		\$0.00
Balance Due Now		\$0.00

Regards,

Trueman
trueman.reynolds@gmail.com